

MANAN KUMAR MISHRA

Senior Advocate

CHAIRMAN



Phone : 011-4922 5000

Fax : 011-4922 5011

E-mail : info@barcouncilofindia.org

Website : www.barcouncilofindia.org

भारतीय विधिज्ञ परिषद् BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, New Delhi - 110 002

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The Bar Council of India is seriously considering to introduce certain imminent reformative measures for the betterment of the legal profession as well as legal education.

The Council has thoroughly appreciated and welcomed the suggestions made by Hon'ble the Chief Justice of India in his felicitation function yesterday in Supreme Court campus. Chairman himself was present in the function and he carefully heard to the speech of Hon'ble Chief Justice of India Shri Sharad Arvind Bobde and also of Ld. Attorney General For India Shri K. K. Venugopal.

In the light of the suggestions made by the Hon'ble Chief Justice of India Shri Bobde, the Council is proposing to amend its Rule and to exercise the powers vested in it under Section-7 and 49 of the Advocates Act, 1961.

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The Council is likely to introduce mandatory experience clause for every new entrant at the Bar before joining the High Court and the Supreme Court. Before joining any High Court Bar a newly enrolled advocate will have to practice in a District/Taluka Court, atleast for a period of two years. Any Advocate could join the High Court Bar now only after producing the certificate (as per the format prescribed by the Bar Council of India to be granted by an Advocate having a minimum standing of 15 years at the Bar and the concerned District Judge). No High Court Bar Associations can provide membership to any Advocate unless said experience certificate is produced along with the other materials to support the same.

Similarly, the Council is proposing to introduce the Rule for joining the Supreme Court Bar and to practice in Supreme Court of India. A minimum of two years experience of practice at any High Court will be mandatory for practicing in Supreme Court. The said experience certificate shall be given by the concerned High Court Bar Association and the Registrar General of the High Court. The Council is also thinking to make a requirement for the minimum number of appearances in the Courts before the grant of the aforementioned certificates.

Professional Office : 58, Todarmal Road, Second Floor, Behind Mandi House Metro Station, Near Mother Dairy Milk Booth, Bengali Market New Delhi - 110001

Residence Delhi: 17/303, East End Apartments, Near New Ashok Nagar Metro Station, Mayur Vihar Ph-I Extn., Delhi-110096

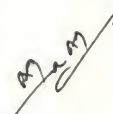
Mobile : 09810474397 (Delhi), 09431025478 (Patna) **E-mail :** manankumarmishra@gmail.com

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The Council is also proposing to make Continuous Legal Education (C.L.E.) for Advocates upto 10 years of practice "compulsory". The concerned sitting and former Judges of High Courts, senior and experienced Advocates shall be requested to provide Trainings to Advocates on different clinical and non-clinical subjects for continuation in the legal profession. The participation in said Continuous Legal Education Programme will be mandatory. Over a period of 5 years every Advocate shall be required to attend and undertake those training programme conducted by Bar Council of India and State Bar Council atleast for 40 days. The training will be provided through Bar Councils without charging any fee from Advocates. The State Bar Councils and Bar Associations shall be required to grant certificates to the lawyers in this regard and only then their enrolments shall be deemed to be followed for continuation in the legal profession.

The Council is going to request the Hon'ble Chief Justice of India in this regard, so that all the High Courts could be issued suitable directions to extend their cooperation with State Bar Councils and Bar Associations in the proper implementation of the proposed rules of Bar Council of India.

All these Rules are likely to be made effective from March, 2020.

The Council has also appreciated the suggestion made by senior advocate and the legal luminary, Attorney General for India Shri K. K. Venugopal for enhancement of the age of retirement of High Court and Supreme Court Judges and to make it either 68 or 70 years. In fact, the Council has been making this demand for last 3 years and it had sent a detailed letter to the Government in this regard. But, due to elections of the State Bar Council and Bar Council of India, the matter could not be pressed earlier. The Council thinks that in the interest of justice and for strengthening the institution, the age of retirement of both High Court and Supreme court Judges should be enhanced and it should be the same for High Court and Supreme Court. Again the Council is proposing to raise this issue before the Government seriously. However, the Council shall then stick to its stand that if the retirement age is enhanced, there should be no post retiral assignment for the retired Judges of Supreme Court/High Courts and the assignments in various Commissions, Tribunals, Boards etc. should be meant for deserving Advocates only.

In the joint meeting of all the State Bar Councils, all the High Court Bar Associations and major Bar Associations of the country to be held in January, 2020, all these issues will be discussed. The appropriate resolutions passed in the said joint meeting shall be sent to the Government for the necessary changes in the Constitution. The proposed changes to be made in Bar Council of India Rules for inserting experience clause shall also be discussed in the joint meeting.

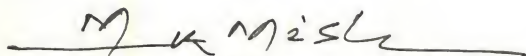
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In order to ensure that only practicing and deserving advocates become the office bearers of various Associations/the Bar Council, the Council is proposing to introduce a number of mandatory requirements for the candidates desirous to be the representatives of the Bar Associations/Bar Councils. The Joint Meeting to be held in the month of January, 2020 shall also consider this aspect of the matter seriously and thereafter, the necessary changes will be made in the Rules of the Bar Council of India.

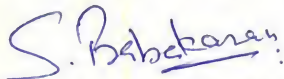
Till these Rules are finalized by the joint meeting, there shall be no election of any Bar Association in the country. The errant, arrogant, non-practicing and persons with criminal background shall not be allowed to contest any election of any bar Association or any Bar Council. The election committee of Supreme Court Bar Association is also going to be requested to take care of these important issues.

In the Joint Meeting, the Council shall also discuss the issue of introduction of the experience clause for the Judicial Officers in the subordinate judiciary. Earlier, without 3 years' experience at the Bar no one was eligible to become a Judicial Officer, but, by a Judgment of the Supreme Court of India that clause was removed. The Bar and the litigants are facing a lot of problems due to lack of experience of the newly appointed Judicial Officer/Munsifs and Magistrate. The training in Judicial Academies are insufficient, unless they get experience at the Bar.

The Bar Council of India is proposing to make an application for review of the Judgment of Supreme Court if it is approved by the Joint Meeting.



Manan Kumar Mishra, Sr. Advocate
Chairman, Bar Council of India



S. Prabakaran, Sr. Advocate
Co-Chairman, Bar Council of India



Ved Prakash Sharma, Advocate
Co-Chairman, Bar Council of India